UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,694	01/26/2001	Christopher M. Connors	M-9723 US	6814

				EXAMINER
33438	7590	07/06/2005		ROSEN, NICHOLAS D

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/770,694	CONNORS ET AL.
		Examiner	Art Unit
		Nicholas D. Rosen	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _14 March 2005_.

2a) ☒ This action is **FINAL**.　　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-13,15-35,37,39-43,45-48,51-62 and 64-74_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-13,15-35,37,39-43,45-48,51-62 and 64-74_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _17 March 2005_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _3/24/05_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claims 1-13, 15-35, 37, 39-43, 45-48, 51-62, and 64-74 have been examined.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they do not include the following reference sign(s) mentioned in the .

description: web page 400 (mentioned in several places on page 150). Corrected

drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the

sheet, even if only one figure is being amended. The replacement sheet(s) should be

labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to

obstruct any portion of the drawing figures. If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in

the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 19-23 are objected to under 37 CFR 1.75(c), as being of improper

dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s)

in proper dependent form, or rewrite the claim(s) in independent form. Claim 19 is

stated to depend on claim 14, but claim 14 has been cancelled. Claim 19 is therefore treated for examination purposes as depending on claim 1.

Claim 39 is objected to because of the following informalities: "needs analysis module" should presumably be "a needs analysis module". Appropriate correction is required.

Claims 51-62 and 64-69 are objected to because of the following informalities: In the eleventh line of claim 51, "and identify" should be "and identifying". Appropriate correction is required.

Claim 69 is objected to because of the following informalities: In the second line of the claim, "selections comprise is" should be "selections comprise." Appropriate correction is required.

Claims 70-62 are objected to because of the following informalities: In the thirteenth line of claim 70, "identify one or more" should be "identifying one or more". Appropriate correction is required.

As a general comment, Applicant's use of infinitives in the claim language might lead to difficulties, as being merely statements of intended purpose. To take an example from claim 1, "a database to store pre-generated product configurations" might be rejected based on a prior art database which does not store pre-generated product configurations, but could be applied to that purpose. "A database which stores pre-generated product configurations" would be stronger language.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification and original claims do not provide support for the software configuration engine generating the pre-generated product configuration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1-13, 15-23, and 73

Claims 1, 4, 5, 6, 13, 15, 16, 17, 18, 19, and 73 are rejected under 35 U.S.C.

103(a) as being unpatentable over Smith (U.S. Patent 6,901,430) in view of official

notice. As per claim 1, Smith discloses a computer system to provide one or more

product selections to a user in accordance with an analysis of user needs, the computer

system comprising: a database to store pre-generated product configurations and store

product configuration information, wherein the product configuration information

comprises product features and product rules governing allowable combinations of the

product features (column 7, lines 8-21); and a processor (column 7, lines 1-7). Smith

does not expressly disclose a memory to which the processor is coupled, but not only

would the database require a memory, but Smith's disclosure of one or more computer

programs running on a suitable computer processor or processors (column 7, lines 1-7)

inherently requires a memory coupled to the processor wherein the one or more

computer programs are stored. Smith further discloses receiving product related data

from the user through a communication link coupled between a data processing system

of the user and a data receiving module, wherein the product related data is a member

of a group of information types comprising attribute information and product identifier

information (column 7, line 63, through column 8, line 62); a filter service module to

process, if the product related data is attribute information, the received product

information data in accordance with the product configuration information stored in the

database and identify one or more product configurations that meet requirements of the

received attribute information (column 10, lines 14-27); a configuration service module

to identify one or more of the pre-generated product configurations stored in the

database and identify one or more product configurations that meet requirements of the

received attribute information (column 10, lines 14-27); and a presentation module to

provide each identified product configuration and each pre-generated product

configuration to the user via the communication link (column 10, lines 14-27; Figure 5).

Smith does not expressly disclose a needs analysis module to process the received

product related data, but some form of data processing would be inherent to enable the

system to use the received product related data to search inventory, etc. Smith does

not disclose that the needs analysis module determines which type of information is

included in the received product related data, but official notice is taken that it is well

known to determine which kind of information is included in data. Hence, it would have

been obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to have a needs analysis module determine which type of

information is included in the received product related data, for the obvious advantage

of deciding what action to take in response to the product related data.

Smith does not disclose that the various modules are stored in the memory, but

given a program of programs running on suitable computer processors, as disclosed,

the sections of programming which cause Smith's system to carry out its functions can

be viewed as modules stored in memory.

As per claim 4, Smith does not expressly disclose that the filter service module is configured to provide a product identifier to said needs analysis module in response to attribute information received from said needs analysis module, but discloses that a product is identified in response to a product attribute or attributes, and also that the product identifier identifies a product, and the attribute information is an attribute of the product (column 8, lines 24-62; column 10, lines 14-27). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the filter service to be appropriately configured, in order to carry out the disclosed functions of Smith's invention.

As per claim 5, Smith discloses that the filter service is configured to use said attribute information to retrieve the product identifier from the database (column 8, lines 24-62; column 10, lines 14-27).

As per claim 6, Smith discloses that the database contains product identifier information and attribute information (column 8, lines 24-62).

As per claim 13, Smith discloses permitting identification of a product configuration based on product identifier information (column 8, lines 24-62).

As per claim 15, Smith does not expressly disclose that the configuration service module is configured to provide a configuration list to the needs analysis module in response to a product identifier received from the needs analysis module, but one can define whatever software module is involved in providing lists of the attributes of the various products in Smith's system as a configuration service, and Smith does disclose comparing product identifiers identifying products with configuration/attribute data for

products, to determine which products match listed attributes (column 8, lines 24-62;

column 10, lines 14-27).

As per claim 16, Smith does not expressly disclose that said configuration list is a

list of the available features of said product, but such a list of available features would

have been obvious for the purpose of enabling Smith's system to carry out its function

of determining which, if any, available products match user-desired attributes (column 8,

lines 24-62; column 10, lines 14-27).

As per claim 17, Smith does not expressly disclose that said configuration list is a

list of the configurations of said product, but such a list of configurations would have

been obvious for the purpose of enabling Smith's system to carry out its function of

determining which, if any, available products match user-desired attributes (column 8,

lines 24-62; column 10, lines 14-27).

As per claim 18, Smith does not expressly disclose that the configuration service

is configured to use the product identifier to generate the configuration list from

information stored in the database, but given that configuration/attribute information for

products stored in the database are compared to attributes to determine which products

match listed attributes (column 8, lines 24-62; column 10, lines 14-27), generating such

configuration lists is held to be obvious, to make the system able to carry out its

functions.

As per claim 19, Smith discloses that the database contains product identifier

information (column 8, lines 24-62; column 10, lines 14-27).

As per claim 73, Smith discloses that the product related data includes data related to a vehicle (e.g., column 8, lines 24-42).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent 6,901,430) and official notice as applied to claim 1 above, and further in view of Neuborne et al. ("BRANDING ON THE NET: The Old Rules Don't Apply. So How Do You Hustle Those Wares Online?"). Smith does not disclose a software configuration engine stored in the memory to generate the pre-generated product configurations, but Neuborne teaches modifying product configurations by choosing options (paragraph beginning, "The program lets MasterCard slap its logo") which implies generating the basic configurations, and perhaps the configurations as modified by options, if there are a limited number of options, leading to choices of vehicles configured in advance. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the computer system include a software configuration engine to generate the pre-generated product configurations, for the obvious advantage of being able to present configurations and options to a user.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent 6,901,430) and official notice as applied to claim 1 above, and further in view of Neuborne et al. ("BRANDING ON THE NET: The Old Rules Don't Apply. So How Do You Hustle Those Wares Online?"). Smith does not disclose that the data receiving module is further configured to receive data indicating a user selected product, wherein the selected product corresponds to one of the identified product

configurations, and the data receiving module is further configured to receive product

configuration selections from the user to further configure the selected product, but

Neuborne teaches receiving product configuration selections from a user to further

configure a selected product, and generating configured product data as selected

(paragraph beginning, "The program lets MasterCard slap its logo"). Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention to have the data receiving module thus configured, for the

obvious advantage of enabling the user to configure the selected product according to

his own wishes.

Neuborne does not expressly teach that the presentation module is further

configured to present the configured product data to the user via the communication

link, but does teach an interactive design shop and an online order form; official notice

is taken that it is well known to present descriptions of what is being purchased on

online order forms. Hence, it would have been obvious to one of ordinary skill in the art

of electronic commerce at the time of applicant's invention to present the configured

product data to the user via the communication link, for the obvious advantage of

enabling the user to assure himself of what he had ordered.

Claims 7, 8, 9, 10, 11, and 12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Smith (U.S. Patent 6,901,430) and official notice as applied to claim

6 above, and further in view of the Microsoft Press Computer Dictionary. As per claim

7, Smith does not disclose that the database comprises a configuration table to store

the pre-generated product configurations, and an attribute table, but the Microsoft Press

Computer Dictionary teaches the use of tables in databases (definition of table, senses 1 and 2, page 459). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database comprise tables, specifically a configuration table and an attribute table, for the obvious advantage of linking relevant data, and enabling efficient access.

As per claim 8, Smith does not expressly disclose that the configuration table contains product identifier information and configuration information, but the use of tables being obvious (as set forth above, regarding claim 7), storing these particular kinds of information in the configuration table would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention.

As per claim 9, Smith does not disclose that the tables comprise records comprising fields which contain corresponding information (attribute information in an attribute field, etc.), but the Microsoft Press Computer Dictionary teaches the use of fields in databases (definition of field, sense 1, page 194). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the tables comprise records comprising fields which contain corresponding information, for the obvious advantage of enabling data to be stored using standard techniques for easy storage and access.

As per claim 10, Smith discloses that said configuration information describes a configuration of a product; said attribute information describes an attribute of a product; and said configuration of said product includes said attribute of said product (column 8, lines 24-62). .

As per claim 11, Smith discloses that the needs analysis module is configured to access the configuration information and that the filter service is configured to access the database using attribute information (column 8, lines 24-62; column 10, lines 14-27). Smith does not expressly disclose that the needs analysis module is configured to supply attribute information to the filter service, but this is a mere verbal reshuffling. One can describe whatever module of Smith's system supplies attribute information to the module that does the filtering as the need analysis module.

As per claim 12, Smith discloses by inherency that a reference to a configuration record allows the filter service to access the configuration record according to attribute information, and therefore to access attribute records using attribute information (column 8, lines 24-42; column 10, lines 14-27).

Claims 20, 21, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent 6,901,430) and official notice as applied to claim 19 above, and further in view of the Microsoft Press Computer Dictionary. As per claim 20, Smith does not disclose that the database comprises a configuration table containing said product identifier information and said configuration information, but the Microsoft Press Computer Dictionary teaches the use of tables in databases (definition of table, senses 1 and 2, page 459). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database comprise a configuration table, specifically containing identifier information and configuration information, for the obvious advantage of linking relevant data, and enabling efficient access.

As per claim 21, Smith discloses that the needs analysis module is configured to access the configuration information, and that the configuration service module is configured to access the database (column 8, lines 24-42; column 10, lines 14-27). Smith does not expressly disclose that the needs analysis module supplies product identifier information to the configuration service (as well as to the user of the system), or that the configuration service module uses product identifier information to access the database. However, this is a mere verbal reshuffling. One can describe whatever module of Smith's system is involved in receiving the product identifier information (e.g., to be passed to the user) as a configuration service, and whatever module uses a product identifier to access the database (e.g., in comparing identified products to desired attributes) as a configuration service.

As per claim 22, Smith does not disclose that the configuration table comprises a configuration record comprising pre-generated product configuration and identifier fields which contain corresponding information, but the Microsoft Press Computer Dictionary teaches the use of fields in databases (definition of field, sense 1, page 194). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the configuration table comprise records comprising fields which contain corresponding information, for the obvious advantage of enabling data to be stored using standard techniques for easy storage and access.

As per claim 23, Smith discloses that said configuration information describes a configuration of the product, and product identifier information identifies the configuration of the product (column 8, lines 24-42; column 10, lines 14-27).

Claims 24-35, 37, 39-48, and 74

Claims 24, 25, 26, 27, 28, 29, 37, 39, 40, 41, 42, 43, and 74 are rejected under

35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent 6,901,430) in view of

official notice. Claims 24, 26, 27, 28, 29, 37, 40, 41, 42, 43, and 74 are essentially

parallel to claims 1, 3, 4, 5, 6, 13, 15, 16, 17, 18 and 73, respectively, and rejected on

essentially the same grounds.

As per claim 25, Smith discloses a computer permitting identification of a product

based on attribute information, implying code for doing so (column 8, lines 24-42;

column 10, lines 14-48).

As per claim 39, Smith does not expressly disclose a needs analysis module to

process the received product related data, but some form of data processing would be

inherent to enable the system to use the received product related data to search

inventory, etc. Smith does not disclose that the needs analysis module determines

which type of information is included in the received product related data, but official

notice is taken that it is well known to determine which kind of information is included in

data. Hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention to have a needs analysis module

determine which type of information is included in the received product related data, for

the obvious advantage of deciding what action to take in response to the product related

data. Even this is unnecessary if one does not read a description of what a needs

analysis module does from claim 1 into claim 39. Smith discloses a computer system

analyzing needs (column 8, lines 24-42; column 10, lines 14-27), which implies that the code comprises a needs analysis module.

Claims 30, 31, 32, 33, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and official notice as applied to claim 29 above, and further in view of the Microsoft Press Computer Dictionary. Claims 30, 31, 32, 33, 34, and 35 are essentially parallel to claims 7, 8, 9, 10, 11, and 12, respectively, and rejected on essentially the same grounds.

Claims 45, 46, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and official notice as applied to claim 29 above, and further in view of the Microsoft Press Computer Dictionary. As per claim 45, Smith discloses that the data structure contains product identifier information (column 8, lines 24-62; column 10, lines 14-27). Smith does not disclose that the data structure comprises a configuration table containing said product identifier information, but the Microsoft Press Computer Dictionary teaches the use of tables in databases (definition of table, senses 1 and 2, page 459). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database comprise a configuration table, for the obvious advantage of linking relevant data, and enabling efficient access.

Claims 46, 47, and 48, are essentially parallel to claims 21, 22, and 23, respectively, and rejected on essentially the same grounds.

Claims 51-62 and 64-69

Claims 51, 52, 53, 57, 58, 59, 64, 65, 66, 67, 68, and 69 are rejected under 35

U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent 6,901,430) in view of

official notice. As per claim 51, Smith discloses a method to provide one or more

product selections to a user in accordance with an analysis of user needs, the method

comprising: receiving product related data from the user through a communication link

coupled between a data processing system of the user and a computer system, wherein

the product related data is a member of a group of information types comprising

attribute information and product identifier information (column 7, lines 8-21; column 7,

line 63, through column 8, line 62); processing the received product related data using

resources of the computer system (column 7, lines 1-7; column 8, lines 24-62);

processing, if the product related data is attribute information, the received product

information data in accordance with the product configuration information and identifying

one or more product configurations that meet requirements of the received attribute

information, wherein the product configuration comprises product features and product

rules governing allowable combinations of the product features (column 8, lines 24-62;

column 10, lines 14-27); identifying one or more of the pre-generated product

configurations that corresponds to the received product related data, if the product

related data is product identifier information (column 8, lines 24-62; column 10, lines 14-

27); and providing each identified product configuration and each identified pre-

generated product configuration to the user via the communication link (column 8, lines

43-62; column 10, lines 14-27). Smith does not disclose determining which type of

information is included in the received product related data, but official notice is taken

that it is well known to determine which kind of information is included in data. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to determine which type of information was included in the received product related data, for the obvious advantage of deciding what action to take in response to the product related data.

As per claim 52, Smith discloses that the product identifier information is associated with a product configuration, and the product configuration represents a product having an attribute represented in the attribute information (column 8, lines 24-62).

As per claim 53, Smith does not expressly disclose causing a needs analysis module to provide said attribute to said filter service, and causing said filter service to return said product identifier to said needs analysis module, but this essentially follows from regarding the filter service as having a distinct needs analysis module, which amounts to designating certain circuits, or certain lines of computer code as a "needs analysis module." This need involve no substantive difference from Smith, and is therefore held to be obvious. (To make separable is considered to be within the level of ordinary skill in the art, *Nerwin v. Erlichman*, 168 USPQ 177, 179 [Board of Patent Appeals and Interferences, 1969]; *In re Dulberg*, 129 USPQ 348, 349; 289 F.2d. 522 [CCPA 1961].)

As per claim 57, Smith discloses providing the product identifier information to a configuration service; identifying the pre-generated product configuration corresponding to the product identifier information by causing the configuration service to query a

database using the product identifier information; and causing the configuration service

to return the identified pre-generated product configuration (column 8, lines 24-62;

column 10, lines 14-36).

As per claim 58, the product identifier information is associated with a pre-

generated product configuration in the database (column 8, lines 24-62; column 10,

lines 14-36).

As per claim 59, claim 59 is rejected as obvious on essentially the same basis as

claim 53. Smith does not expressly disclose causing a needs analysis module to

provide said product identifier information to said filter service, and causing said filter

service to return said pre-generated product configuration to said needs analysis

module, but this essentially follows from regarding the filter service as having a distinct

needs analysis module, which amounts to designating certain circuits, or certain lines of

computer code as a "needs analysis module." This need involve no substantive

difference from Smith, and is therefore held to be obvious. (To make separable is

considered to be within the level of ordinary skill in the art, *Nerwin v. Erlichman*, 168

USPQ 177, 179 [Board of Patent Appeals and Interferences, 1969]; *In re Dulberg*, 129

USPQ 348, 349; 289 F.2d. 522 [CCPA 1961].)

As per claim 64, Smith discloses that the product related data includes data

related to a vehicle (e.g., column 8, lines 24-42).

As per claim 65, Smith discloses that the product configuration selections

comprise a make of said vehicle (e.g., column 8, lines 24-42).

As per claim 66, Smith discloses that the product configuration selections comprise a model of said vehicle (e.g., column 8, lines 24-42).

As per claim 67, Smith discloses that the product configuration selections comprise a trim level of said vehicle (e.g., column 8, lines 24-42).

As per claim 68, Smith discloses that the product configuration selections comprise an equipment level of said vehicle (e.g., column 8, lines 24-42).

As per claim 69, Smith discloses that the product configuration selections comprise one of a price range, a vehicle type, an engine type, a fuel economy, an interior feature, and a safety feature (e.g., column 8, lines 24-42).

Claims 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and official notice as applied to claim 51 above, and further in view of the Microsoft Press Computer Dictionary. As per claim 54, Smith discloses querying a database of the computer system (column 8, lines 24-42), but does not disclose accessing an attribute table of said database using said attribute information; accessing said product identifier information in a configuration table of said database using a reference in said attribute table associated with a record of said attribute table accessed using said attribute, but the Microsoft Press Computer Dictionary teaches the use of tables in databases (definition of table, senses 1 and 2, page 459). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database comprise an attribute table and a configuration table, and access those tables, and the data therein, for the obvious advantage of linking relevant data, and enabling efficient access.

As per claim 55, Smith discloses that the product identifier information is associated with a product configuration, and the product configuration represents a product having said attribute (column 8, lines 24-62).

As per claim 56, claim 56 is rejected on the same basis as claim 54.

Claims 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and official notice as applied to claim 57 above, and further in view of the Microsoft Press Computer Dictionary. As per claim 60, Smith does not disclose accessing a configuration table of said database using product identifier information to identify said pre-generated product configuration, but the Microsoft Press Computer Dictionary teaches the use of tables in databases (definition of table, senses 1 and 2, page 459). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database comprise a configuration table, and access that tables, and the data therein, for the obvious advantage of linking relevant data, and enabling efficient access.

As per claim 61, Smith discloses that a pre-generated product configuration is associated with product identifier information (column 8, lines 24-62; column 10, lines 14-36).

Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent 6,901,430) and official notice as applied to claim 51 above, and further in view of Neuborne et al. ("BRANDING ON THE NET: The Old Rules Don't Apply. So How Do You Hustle Those Wares Online?"). Smith discloses receiving data indicating a user selected product, wherein the selected product corresponds to one of the identified

product configurations (column 8, lines 40-62). Smith does not disclose receiving

product configuration selections from the user to further configure the selected product,

but Neuborne teaches receiving product configuration selections from a user to further

configure a selected product, and generating configured product data as selected

(paragraph beginning, "The program lets MasterCard slap its logo"). Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention to receive such selections, for the obvious advantage of

enabling the user to configure the selected product according to his own wishes.

Neuborne does not expressly teach generating configured product data

corresponding to the product configuration selections configured product data to the

user via the communication link, but does teach an interactive design shop and an

online order form; official notice is taken that it is well known to present descriptions of

what is being purchased on online order forms. Hence, it would have been obvious to

one of ordinary skill in the art of electronic commerce at the time of applicant's invention

to generate such configured product data, and present the configured product data to

the user via the communication link, for the obvious advantage of enabling the user to

assure himself of what he had ordered.

Claims 70-72

Claims 70 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Smith (U.S. Patent 6,901,430) in view of official notice. As per claim 70, Smith

discloses an apparatus to provide one or more product selections to a user in

accordance with an analysis of user needs, the apparatus comprising: means for

receiving product related data from the user through a communication link coupled

between a data processing system of the user and a computer system, wherein the

product related data is a member of a group of information types comprising attribute

information and product identifier information (column 7, lines 8-21; column 7, line 63,

through column 8, line 62); means for processing the received product related data

using resources of the computer system (column 7, lines 1-7; column 8, lines 24-62);

means for processing, if the product related data is attribute information, the received

product information data in accordance with the product configuration information and

identify one or more product configurations that meet requirements of the received

attribute information, wherein the product configuration comprises product features and

product rules governing allowable combinations of the product features (column 8, lines

24-62; column 10, lines 14-27); means for identifying one or more of the pre-generated

product configurations that corresponds to the received product related data, if the

product related data is product identifier information (column 8, lines 24-62; column 10,

lines 14-27); and means for providing each identified product configuration and each

identified pre-generated product configuration to the user via the communication link

(column 8, lines 43-62; column 10, lines 14-27). Smith does not disclose means for

determining which type of information is included in the received product related data,

but official notice is taken that it is well known to determine which kind of information is

included in data. Hence, it would have been obvious to one of ordinary skill in the art of

electronic commerce at the time of applicant's invention to include means for

determining which type of information was included in the received product related data,

for the obvious advantage of deciding what action to take in response to the product

related data.

As per claim 72, Smith discloses that the product related data includes data

related to a vehicle (e.g., column 8, lines 24-42).

Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith

(U.S. Patent 6,901,430) and official notice as applied to claim 70 above, and further in

view of Neuborne et al. ("BRANDING ON THE NET: The Old Rules Don't Apply. So

How Do You Hustle Those Wares Online?"). Smith discloses receiving data indicating a

user selected product, wherein the selected product corresponds to one of the identified

product configurations (column 8, lines 40-62). Smith does not disclose receiving

product configuration selections from the user to further configure the selected product,

but Neuborne teaches receiving product configuration selections from a user to further

configure a selected product, and generating configured product data as selected

(paragraph beginning, "The program lets MasterCard slap its logo"). Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time

of applicant's invention to have the apparatus comprise means for receiving such

selections, for the obvious advantage of enabling the user to configure the selected

product according to his own wishes.

Neuborne does not expressly teach generating configured product data

corresponding to the product configuration selections configured product data to the

user via the communication link, but does teach an interactive design shop and an

online order form; official notice is taken that it is well known to present descriptions of

what is being purchased on online order forms. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the apparatus comprise means for generating such configured product data, and presenting the configured product data to the user via the communication link, for the obvious advantage of enabling the user to assure himself of what he had ordered.

It is noted that claims 70-72 use "means for" language. Nonetheless, they are not treated as invoking 35 U.S.C. 112, sixth paragraph. If Applicant wishes to invoke 35 U.S.C. 112, sixth paragraph, Applicant should provide an explicit statement to that effect. 35 U.S.C. 112, sixth paragraph states:

> An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

Response to Arguments

Applicant's arguments with respect to claims 1-74 have been considered but are moot in view of the new ground(s) of rejection.

The common knowledge or well-known in the art statements in the previous office action are taken to be admitted prior art, because Applicant did not traverse Examiner's taking of official notice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Shah et al. (U.S. Patent 6,865,524) disclose a method and

apparatus for attribute selection. Smith (U.S. Patent 6,895,388) (related to the Smith

patent used as the primary reference in rejecting claims, 6,901,430) discloses a

communication schema of an online system, and method of locating a consumer

product in the enterprise production pipeline. Lee (U.S. Patent Application Publication

2005/0102199) discloses a system and method for enabling a user of an e-commerce

system to visually view and/or configure a product for purchase.

The anonymous article "Concentra Releases Software for Automating Sales

Product Configuration," discloses generating product configurations based on customer

requirements.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER

July 1, 2005